



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

June 9, 1999

Marvin Hosokawa
Ishihara Corporation (U.S.A.)
600 Montgomery Street
San Francisco, CA 94111

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Dear Mr. Hosokawa:

This letter responds to your June 7, 1999 letter to the Toxics Release Inventory Branch, in which you ask for guidance concerning the applicability of section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) to your facility. Specifically, you are asking for guidance regarding importation insofar as it relates to the manufacturing threshold.

According to your letter, the SIC code for your facility is 5169, "Chemicals and Allied Products". Further, you state that your facility employs more than 10 full-time employees. Accordingly, in determining whether the facility exceeds an activity threshold, you want to know if EPCRA section 313 chemicals that are imported need to be applied toward the facility's manufacturing thresholds if the imported chemicals are not actually received by the facility. Your letter states that the facility has the products sent directly to the customer or to stand-alone public warehouses (that are not part of the facility) for storage and final distribution (as needed) to the customer.

As you are aware, Q&A 217 in the 1998 EPCRA Section 313 Questions and Answers document (December 1998, EPA 745-B-98-004) states that a "facility should count (a) chemical towards its manufacturing threshold only if it actually receives the toxic chemical at the facility." Therefore, if the toxic chemicals being imported are not received at any point in time by your facility, then your facility does not have to include these quantities of toxic chemicals in the facility's manufacturing threshold determinations.

I hope this information is helpful to you in making threshold determinations and release and other waste management calculations for section 313 of EPCRA. If you have any other questions, or desire further information, please call either Larry Reisman at 202.260.2301 or me at 202.260.9592.

Sincerely,

A handwritten signature in black ink, appearing to read "Maria J. Doa", is written over a horizontal line.

Maria J. Doa, Ph.D., Chief
Toxics Release Inventory Branch